

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WILLIAM DAVIS, Jr.,

Plaintiff,

vs.

JO ANNE B. BARNHART,
Commissioner of Social Security,

Defendant.

CASE NO. C05-231-JLR

ORDER

Based on the stipulation of the parties it is hereby ORDERED that the above-captioned case be remanded for further administrative proceedings by a different Administrative Law Judge ("ALJ"). The parties request that upon remand, the ALJ will:

- 1) develop the record by requesting any updated medical records and by obtaining more information from the Plaintiff as to his past work;
- 2) assess the severity of all of Plaintiff's impairments and address the opinion of Ruby Moy, M.D., regarding the need for no pushing or pulling with the right lower extremity;
- 3) reassess Plaintiff's physical and mental residual functional capacity, as well as reassess Plaintiff's credibility;
- 4) if not able to determine which, if any, of Plaintiff's past work was past relevant work, the ALJ will continue the sequential evaluation process.

1 This Court hereby reverses the Commissioner's decision under sentence four of
2 42 U.S.C. § 405(g) with a remand of the cause to the Commissioner for further
3 proceedings. *See Melkonyan v. Sullivan*, 501 U.S. 89 (1991).

4 DATED this 4th day of October, 2005.

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6
7 s/James L. Robart

8 JAMES L. ROBART
9 United States District Judge

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11 RECOMMENDED FOR ENTRY
12 this 4th day of October, 2005:

13 s/ Monica J. Benton
14 MONICA J. BENTON
15 United States Magistrate Judge